

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MYLAN LABORATORIES, INC.,  
MYLAN PHARMACEUTICALS, INC.,  
UDL LABORATORIES, INC.,

Plaintiff,

v.

// CIVIL ACTION NO. 1:07CV95  
(Judge Keeley)

ELIOT G. DISNER, ELIOT G. DISNER,  
a Professional Corporation,  
JOHN/JANE DOE, Defendants 1-10,

Defendants.

ORDER DENYING AS MOOT MYLAN'S MOTION TO STRIKE

On November 16, 2007, defendants Eliot G. Disner and Eliot G. Disner, a Professional Corporation (jointly "Disner"), filed a supplemental memorandum with this court. In this memorandum, Disner provides additional documents which, it alleges, supports its motion to dismiss on the basis of the statute of limitations.

On November 30, 2007, plaintiffs Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., and UDL Laboratories, Inc. (jointly "Mylan"), filed a "Motion to Strike Supplemental Memorandum Regarding Motion to Dismiss." Mylan argues that this memorandum and its attachments were filed on November 16, 2007, well after the seven days allotted to Disner for filing its memorandum in reply to Mylan's response, and therefore the memorandum was filed in violation of Local Rule of Civil Procedure 7.02(b).

**ORDER DENYING AS MOOT MYLAN'S MOTION TO STRIKE**

---

At a hearing on December 13, 2007, the Court denied Disner's motion to dismiss without prejudice. Accordingly, the Court **DENIES AS MOOT** Mylan's motion to strike (dkt. no. 27).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: December 21, 2007

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE